



**Planning Commission  
Minutes of the July 21, 2016 Regular Meeting**

The meeting was called to order by Planning Commission Chairman Bianca at 5:15 p.m.

**ATTENDEES**

**PLANNING COMMISSION MEMBERS**

<b>Planning Commission Chairman</b>	
Damian Bianca, CAPZO	Present
<b>Planning Commission Vice-Chair</b>	
Troy Wesson, CAPZO	Present
<b>City Council Member</b>	
Michael Potter, CAPZO	----- (arrived @ 5:18)
Tim Cowles, CAPZO	Present
Cynthia McCollum, CAPZO	Present
Steve Ryder, CAPZO	Present
Cameron Grounds, CAPZO	----- (arrived @ 5:28)
Lewie L. Bates, CAPZO	Present
Stephen Brooks, CAPZO	Present

**PLANNING STAFF PRESENT**

Gary Chynoweth P.E., Director of Engineering; Mary Beth Broeren, Director of Planning and Economic Development; Johnny Blizzard, AICP, Senior Planner; Ross Ivey, Assistant Planner; Kelly Butler, City Attorney; Megan Zingarelli, Assistant Attorney

**REGISTERED PUBLIC ATTENDEES**

Rick Campbell, Teresa Henderson, J.W. Kennedy, Patricia Hurston, Jim Krakus, Melissa Gomez, Elissa Galloway, Daniel Feld, Bruce Crane, Don Spencer Jr., Patricia Lancaster, Gary Gray, David Hergenroeder, Joe Murphy, Mark Richerson, Brent Montgomery, Val Davis

**ACCEPTANCE OF THE AGENDA**

Chairman Bianca accepted the agenda as presented.

**APPROVAL OF THE MINUTES**

Mr. Wesson moved to approve the minutes of the June 16, 2016 Regular Meeting minutes. Councilman Potter seconded the motion.

**Final Vote:**

Chairman, Damian Bianca	Aye
Vice-Chairman, Troy Wesson	Aye
City Council Member Mike Potter	-----
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	-----
Lewie Bates	Aye
Stephen Brooks	Abstain
Tim Cowles	Aye

**Motion Carried**

**OLD BUSINESS**

There was no Old Business to discuss.

**PUBLIC COMMENTS**

There were no public comments.

**PUBLIC HEARINGS**

**Zoning Map Amendments**

**Shelton Hill Rezoning Request**

Zoning Map Amendment request to rezone 4.68 acres from R-1B, Low-Density Residential District to R-2, Medium Density Residential District.

Location: East of Shelton Road and North of Old Madison Pike

Applicant: Jeff Enfinger

**Applicant Comments:**

There were no comments from the applicant.

**Staff Comments:**

Mr. Blizzard informed the Commission that the request was to rezone 4.68 acres of a 15.66 acre parcel from R-1B, Low-Density Residential District to R-2, Medium Density Residential District. The applicant plans to subdivide that 4.68 acre piece into eight residential lots with the purpose of developing eight single-family detached dwellings. The reason for the rezoning request is that the developer would like to develop lots with a width of 80 feet at the minimum building line. The current R-1B requires there be at least 100 feet at the minimum building line as opposed to a required 70 feet with R-2 regulations.

Mr. Blizzard added that the Future Land Use Map shows the subject and the adjoining properties to the north and west having the land use designation of RL (Residential Low Density). The existing residential development surrounding the subject property has been developed at low densities compatible with R-1B zoning. The Future Land Use Map supports the existing RL zoning designation. The Growth Plan, which is more current than the Future Land Use Map, recommends mixed use development with a residential component. The proposed concept of eight lots results in a plan that is compatible with the

total number of lots that could be achieved under the existing zoning. The characteristics of the subject property would be a low density development with the proposed zoning, and staff recommends approval because the R2 zoning and property will limit the development to low density lots.

**Public Comments:**

Jim Krakus, 1004 Shelton Road, asked if an apartment complex would be allowed with this rezoning request. Councilman Potter answered, No, an apartment complex would not be compatible with the zoning designation requested.

**Commission Comments:**

There were no comments from the Commission.

**Motion:**

Mr. Brooks motioned to recommend approval to the City Council for Jeff Enfinger's request to rezone 4.68 acres of property located east of Shelton Road and north of Old Madison Pike to R-2, Medium-Density Residential District. Mr. Bates seconded the motion.

**Final Vote:**

Chairman, Damian Bianca	Nay
Vice-Chairman, Troy Wesson	Aye
City Council Member Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	-----
Lewie Bates	Aye
Stephen Brooks	Aye
Tim Cowles	Aye

**Motion Carried**

**Subdivision Plats**

**The Cove at Eastview**

Preliminary Plat for 21 lots & 2 common areas

Variance to Section 6-1-3 (3) of the Subdivision Regulations

Location: West of Slaughter Road and north of Eastview Drive

Applicant/Owner: JWE Properties, LLC

**Applicant Comments:**

Daniel Feld, Smith Engineering presented the preliminary plat request on behalf of Jeff Enfinger.

**Staff Comments:**

Mr. Blizzard informed the Commission that the subject property contains 12.5 acres located west of Slaughter Road and north of Eastview Drive. The request provides for the development of 21 single family residential lots and two common areas. The residential lot sizes range from 14,725 square feet to 31,520 square feet with an average size of 22,292 square feet. Common Area A is located at the entrance of the

subdivision and will be used for the subdivision entry sign. Common Area B will be used for storm water detention.

Mr. Blizzard also informed the Commission that the applicant is requesting a variance to Section 6-1-3(3) of the Subdivision Regulations to not construct the required five foot sidewalk along Eastview Drive and Schrimsher Road.

Mr. Blizzard concluded that the subject request was reviewed by the Technical Review Committee and that the Committee recommends approval with the contingencies provided in Attachment No. 1 of the staff report. Mr. Blizzard discussed one noteworthy contingency in the geological site assessment report submitted as part of the site assessment requirements in Section 4-4-1 of the Subdivision Regulations. The assessment revealed that mature pine trees located on the site should be removed after the summer roosting of the Indiana Bat and the Long-Eared bat species. The report recommended the clearing should occur between October 15<sup>th</sup> and March 31<sup>st</sup>. If the applicant wishes to proceed with clearing the site prior to October 15<sup>th</sup>, the applicant would need to submit documentation to the City from the U.S. Fish and Wildlife Service authorizing the activity.

**Public Comments:**

Jeff Enfinger discussed the variance request for the sidewalk on collector roads. He discussed the topography of the land and expressed that he felt the sidewalk would ultimately be unused and lead to "nowhere." The piece of property is 1.3 miles from the nearest sidewalk and is currently nowhere near a school. Mr. Enfinger proposed the option of a 5 year bond, and if a sidewalk was to be needed within a 5 year window, he would install it at that time.

**Commission Comments:**

Councilman Potter asked if the sidewalks were strictly a Planning Commission policy. Mr. Blizzard answered in the affirmative.

Mr. Wesson asked if a fee in lieu would be an option. Mr. Blizzard answered it had been done before; however, the bond would satisfy staff concerns in this scenario.

Mr. Brooks asked if there were any widening projects for Eastview Drive within the next 5 years. Mr. Chynoweth answered, No there were not any planned at this time. Councilman Potter added he would love to see Eastview widened, but he felt that nothing would happen for quite some time.

**Motion:**

Councilman Potter motioned to approve the variance to Section 6-1-3(3) of the Subdivision Regulations and the 5 year sidewalk bond. Mrs. McCollum seconded the motion.

**Final Vote:**

Chairman, Damian Bianca	Aye
Vice-Chairman, Troy Wesson	Nay
City Council Member Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye

Cameron Grounds	Aye
Lewie Bates	Aye
Stephen Brooks	Nay
Tim Cowles	Nay

**Motion Carried**

Mr. Brooks moved to approve The Cove at Eastview Preliminary Plat subject to the variance and following comments:

**Planning Department Comments**

1. Submit a geometry plan. The plan must show the location of all required sidewalks and handicapped ramps. Each sidewalk and handicapped ramp must be labeled
2. Construction Plans: Remove center island from street
3. Preliminary Plat: Add the following note:
  - 1) A 5 ft. concrete sidewalk is required along the right-of-ways of Eastview Drive and Schrimsher Road. The sidewalks must be constructed with the construction of the subdivision
4. Preliminary Plat: Line 2 & 3 of legal description: Bearing and distance does not match the one on the drawing
5. Preliminary Plat: Label bearing and distance of easement on Lot 13

**Engineering Department Comments:**

1. Site Assessment mandates that construction clearing be restricted to between October 15<sup>th</sup> and March 31<sup>st</sup>.
2. Proof of ADEM permit required before approval of plans.
3. Provide MFFE on each lot.
4. Provide centerline profile of Eastview with sight distance values.

**Fire Department Comments:**

1. Show existing fire hydrant
2. Label mountable curve on island at entrance

Mr. Ryder seconded the motion.

**Final Vote:**

Chairman, Damian Bianca	Aye
Vice-Chairman, Troy Wesson	Aye
City Council Member Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Stephen Brooks	Aye
Tim Cowles	Aye

**Motion Carried**

**Jack Clift Subdivision, Phase 6**

Certified Plat to modify two plat notes related to access and parking

Location: 8050 U.S. Hwy. 72 W (North of Hwy. 72 W and West of Wall-Triana Hwy.)  
Applicant/Owner: Lowe Family II, LLC

**Applicant Comments:**

J.W. Kennedy presented the request on behalf of Peter Lowe.

**Staff Comments:**

Mr. Blizzard informed the Commission that the request at hand is to modify General Note 13, which relates to ingress/egress and shared parking and delete General Note 14, which restricts the removal of any parking spaces on Lot 3 until parking spaces are provided on Lot 1 in compliance with the Zoning Ordinance, for the Jack Clift Subdivision located at 8050 U.S. Highway 72 W, in front of Planet Fitness.

Mr. Blizzard stated that General Note 13 currently reads, "13. A blanket ingress and egress and shared parking over and across all lots is hereby granted with the recording of this plat." The applicant is requesting that General Note 13 be modified to read, "13. A non-exclusive easement to be used solely for vehicular and pedestrian ingress and egress among the lots is hereby reserved across, along, and through the drive areas of each lot (A) As such driveway areas now exist and are located, and (B) As such driveway areas may hereafter exist, be located and be relocated by the owner of the lot affected thereby and shared parking across Lots 1 and Lot 3 is hereby granted with the recording of this plat". Mr. Blizzard explained that this new note will still allow public ingress/egress between the three lots and shared parking between Lots 1 and 3, but will remove the provision for shared parking on Lot 2.

Mr. Blizzard also explained that the applicant is also requesting the removal of General Note 14, which reads, "Existing parking spaces located on Lot 3 may not be eliminated until a site plan is submitted to add new parking spaces in a different location that will render the entire site compliant with Section 5-15-1 of the Zoning Ordinance. This note was included on the certified plat for *Jack Clift, 5<sup>th</sup> Addition* to ensure that enough parking spaces were available for the businesses on Lot 1 before any development occurred on Lot 3. Mr. Blizzard discussed a site plan that was submitted with the July Technical Review cycle for Lot 3 of the subdivision and it showed in detail how the overall site would become compliant with Section 5-15-1 parking space requirements of the Zoning Ordinance.

Mr. Blizzard concluded that the Technical Review Committee recommends approval of the Jack Clift, 6<sup>th</sup> Addition Certified Plat with the contingencies provided in Attachment No. 1 of the staff report. He noted that the contingencies represent minor omissions and errors, but do not represent a conflict with the Zoning Ordinance or Subdivision Regulations.

**Public Comments:**

There were no comments from the public.

**Commission Comments:**

There were no comments from the Commission.

**Motion:**

Councilman Potter motioned to approve Jack Clift Subdivision, 6<sup>th</sup> Addition with the following contingencies:

**Planning Department Comments**

1. The 10 PUDE on Lot 3 at L12 is in the process of being vacated.
2. General Note 13 should be as written below:  
"13. A non-exclusive easement to be used solely for vehicular and pedestrian ingress and egress among the lots is hereby reserved across, along and through the drive areas of each lot (A) As such driveway areas now exist and are located, and (B) As such driveway areas may hereafter exist, be located and be relocated by the owner of the lot affected thereby and shared parking across Lots 1 and Lot 3 is hereby granted with the recording of this plat"
3. Signatures:
  - 1) Dedication
  - 2) Acknowledgment
  - 3) Surveyor

Mr. Bates seconded the motion.

**Final Vote:**

Chairman, Damian Bianca	Aye
Vice-Chairman, Troy Wesson	Aye
City Council Member Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Stephen Brooks	Aye
Tim Cowles	Aye

**Motion Carried**

**Moore's Creek**

Layout Amendment increasing number of lots & relocation of a stub street

Location: West of Segers Road and south of Powell Road

Applicant/Owner: Smart Living, LLC

**Applicant Comments:**

Rick Campbell, Mullins, LLC presented the request on behalf of the developer.

**Staff Comments:**

Mr. Blizzard informed the Commission that the request at hand was to amend the approved layout for Moore's Creek Subdivision to increase the number of lots from 107 to 117 and to move the stub street to the west to become an extension of Shalerock Drive. Mr. Blizzard explained that the relocation of the stub street to the south and extension of Shalerock Drive will create a continuous boulevard running east/west

through the entire subdivision. The 10 additional proposed lots have a lot size that are consistent with those approved in the other phases of Moore's Creek Subdivision.

Mr. Blizzard briefly discussed the City of Huntsville Sewer easement located on the property and mentioned that staff worked with the applicant to come to an agreement that the easement could not be placed on residential lots. Finally, Mr. Blizzard mentioned that as part of the engineering for the project, the developer completed a flood study. The study supports decreasing the width of the floodway by approximately 70 feet near the bridge location. The decreasing of the floodway provides more developable land in the subject area than was available when the original layout was originally approved, thereby enabling the developer to increase the number of lots. The Federal Emergency Management Agency (FEMA) has approved the flood study.

Mr. Blizzard concluded that the relocation of the stub street further south to accommodate the change in lots does not present any planning, engineering, or fire related conflicts and that staff recommends approval of the layout amendment request given the contingencies noted in Attachment No. 1 of the staff report.

**Public Comments:**

David Hergenroeder, 125 Coachridge Lane, expressed concerns of where the students who lived in these proposed 10 new houses would attend school.

**Commission Comments:**

Chairman Bianca asked for confirmation from Gary that he was Okay with the proposed new floodway. Mr. Chynoweth answered that FEMA moved the Floodway and the Flood Fringe and that the city is going to be conducting a separate flood study. Mr. Chynoweth stated he is happy with the development and the new greenway that will be a part of this development.

Mr. Wesson asked if there would be any traffic calming devices with the removal of a stub-street. Mr. Chynoweth answered that a 4-way stop will be required at that specific location.

Councilman Potter discussed the new greenway and mentioned how it will enhance the city.

Mr. Wesson asked if there would be pedestrian access at the cul-de-sac to the greenway. Mr. Campbell answered, Yes, there would be access at the cul-de-sac location.

**Motion:**

Mrs. McCollum motioned to approve Moore's Creek Layout Amendment with the following contingencies:

**Planning Department Comments**

1. City of Huntsville sanitary sewer easement can't be on residential lots

**Engineering Department Comments:**

1. Provide copy of the site assessment



Mr. Cowles seconded the motion.

**Final Vote:**

Chairman, Damian Bianca	Aye
Vice-Chairman, Troy Wesson	Aye
City Council Member Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Stephen Brooks	Aye
Tim Cowles	Aye

**Motion Carried**

**Moore's Creek, Phase 3**

Preliminary Plat for 47 lots & 2 tracts

Location: West of Segers Road and south of Powell Road

Applicant/Owner: Smart Living, LLC

**Applicant Comments:**

There were no comments from the applicant.

**Staff Comments:**

Mr. Blizzard informed the Commission that this preliminary plat request was for 47 single family lots, and 2 tracts. He mentioned that some of the preliminary drawings had been edited and revised once the original Planning Commission packets had been sent out. Mr. Blizzard informed the Commission that the bridge would not be constructed with this phase because of the Conditional Letter of Map Revision (CLOMR) taking place at this time, but that a second temporary emergency access easement would exist until the CLOMR is complete and the bridge construction can begin. Mr. Blizzard stated that the construction plans for Moore's Creek, Phase 3 are compliant with the Zoning Ordinance and Subdivision Regulations and then went into detail discussing the contingencies that must be satisfied before the Preliminary Plat could be approved. He concluded that staff recommended approval upon addressing the contingencies listed in Attachment No. 1 in the staff report.

**Public Comments:**

There were no comments from the public.

**Commission Comments:**

There were no comments from the Commission.

**Motion:**

Mr. Bates motioned to approve Moore's Creek, Phase 3 Preliminary Plat with the following contingencies:

**Planning Department Comments**

1. Layout amendment must be approved
2. Add a certificate for City of Huntsville Water Pollution Control
3. Signatures:
  - 1) Athens Utilities
  - 2) Phone
  - 3) Cable
  - 4) North Alabama Gas
  - 5) Limestone County Water & Sewer City of Huntsville water Pollution Control
4. City of Huntsville sanitary sewer easement can't be on residential lots
5. Line 28 of legal description references a different second than drawing

**Engineering Department Comments:**

1. Street Name approval from Keith – Pipit Lane, Cormorant Place, Waxwing Court, Thrasher Circle
2. Proof of ADEM Permit
3. MFFE on plat and construction drawings – I recommend adjusting the MFFE to at least the following:
  - 1) Lot 68 to 606.50
  - 2) Lot 78 to 615.50
  - 3) Lot 84 to 606.50
  - 4) Lot 85 to 607.50
  - 5) Lot 88 to 615.50

Mr. Brooks seconded the motion.

**Final Vote:**

Chairman, Damian Bianca	Aye
Vice-Chairman, Troy Wesson	Aye
City Council Member Mike Potter	Aye
Cynthia McCollum	Aye
Steven Ryder	Aye
Cameron Grounds	Aye
Lewie Bates	Aye
Stephen Brooks	Aye
Tim Cowles	Aye

**Motion Carried**

(PUBLIC HEARING CLOSED)

## **Site Plans**

### **Shepherd Health Assisted Living Facility**

Site Plan for new 86,010 square foot assisted living facility

Location: 10801 and 10803 County Line Road (East of County Line Road & south of Palmer Road)

Applicant/Owner: Erdman Company, Inc.

### **Applicant Comments:**

There were no comments from the applicant.

### **Staff Comments:**

Mr. Ivey informed the Commission that this was a request for site plan approval of an 86,010 square foot assisted living facility and all of the associated parking and infrastructure on a 21.02 acre site. The request consists of two separate buildings. Building A will be 59,850 square feet and provide 70 assisted living units with a total of 84 beds. Building B will be 26,120 square feet and provide 34 memory care units with a total of 42 beds. The facilities will share paved parking and access drives.

Mr. Ivey reminded the Commission that in April of 2016 a certified plat, Atkinson Industrial Park, Phase 3 consolidated this property into its own separate unit. Also, in April of 2016 this property was rezoned from M1 to B2, so that the property would be properly zoned for an assisted living facility. Mr. Ivey briefly discussed that the City of Madison has seen an influx in the number of assisted living facilities, but that the number of beds and units are regulated by the State of Alabama Department of Public Health. Mr. Ivey concluded that staff and the Technical Review committee recommend approval with the contingencies listed in Attachment No. 1 in the staff report.

### **Commission Comments:**

Mrs. McCollum asked if there would be a medical presence and if it would alter the requirements. Mr. Ivey answered that there may be a nursing staff present.

Mr. Wesson asked if the entrance was right in, right out, only. Mr. Ivey answered that the driveway entrance would be full access.

### **Motion:**

Mr. Brooks motioned to approve the Shepherd Health Site Plan given the following contingencies:

### **Planning Department Comments**

1. Sheet C101: Provide the recorded document number of the plat for Unit 2
2. Sheet C107: Provide perimeter and interior landscaping calculations
3. Sheet C107: Provide the quantities of the plants used/listed
4. Sheet C107: Impose parking lot onto the landscape plan
5. Provide a color rendering of the architectural elevations in PDF format
6. Provide Dimensions on architectural elevations
7. Show the location of monument sign (if applicable)

**Engineering Department Comments:**

1. Proof of ADEM permit required before approval of plans.
2. Remove note #18 from the cover sheet.
3. Show the proposed 10' multi-use path on the plans.
4. Proposed landscaping cannot be in R.O.W. or on top of utilities.

**Fire Department Comments:**

1. Provide Autoturn sheet in plat set
2. Provide detailed specs for the Grass-Crete product to be utilized
3. Provide approved fire flow data

Mr. Bates seconded the motion.

**Final Vote:**

Chairman, Damian Bianca	Aye
Vice-Chairman, Troy Wesson	Aye
City Council Member Mike Potter	Aye
Cynthia McCollum	Nay
Steven Ryder	Nay
Cameron Grounds	Aye
Lewie Bates	Nay
Stephen Brooks	Aye
Tim Cowles	Aye

**Motion Carried**

**New Business**

**West Side Master Plan Update – Carol Rhea, Orion Planning & Design**

Carol Rhea, the City's consultant for the West Side Master Plan gave a brief presentation of the format and the items that compose the West Side Master Plan. She reminded the Planning Commission that they will be the ones who adopt the final plan. Mrs. Rhea discussed in brevity some of the existing conditions and discussed the process of how the plan has developed to this point in the process. She mentioned that this plan took other Master Plans into account such as the Parks and Rec Master Plan and discussed some of the new recreation aspects of the plan, including both active recreation, athletic fields, passive recreation, and extensive trail network. She also discussed the implementation process and how the West Side Master Plan is a fluid document and leaves room to be adjusted as needed. Mrs. Rhea encouraged the Planning Commission and members of the public to read over the entire plan, but to really focus on the Vision, Implementation process, and Place Types. Mrs. Rhea concluded with the next steps going forward and that the deadline for public comments is August 12, 2016.

**Planning Commission Schedule**

Mary Beth Broeren, informed the Planning Commission that the City Council chambers would be getting new audio/video equipment the week of August 18<sup>th</sup>, the original Planning Commission meeting time and asked if the Planning Commission would be available to meet the following Thursday, August 25<sup>th</sup>. The Planning Commission agreed to move the meeting to August 25, 2016.

**ADJOURNMENT**

Chairman Bianca adjourned the meeting at 6:30 p.m.

**Minutes Approved**

  
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Damian Bianca, Chairman

**ATTEST:**

  
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Ross Ivey, Assistant Planner and Recording Secretary